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Declaration for Patent Application

Docket Number: 1975.0180003/TJS

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Fusion Constructs and Use of Same to Produce Antibodies With Increased Fc Receptor Binding Affinity and Effector Function**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 22, 2004;
as United States Application Number or PCT International Application Number 10/761,435; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s):

_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

☐ Yes ☐ No

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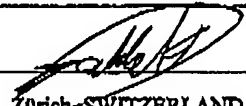
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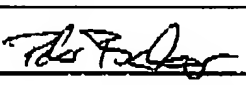
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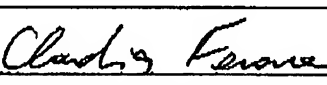
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

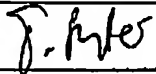
Full name of first Inventor:	Pablo Umaña
Signature of first Inventor:	 Date: 5.8.04
Residence:	Zürich, SWITZERLAND
Citizenship:	Costa Rica
Mailing Address:	Kaeferholzstrasse 262 Zürich, SWITZERLAND CH-8046 Freistrasse 159 Zürich, Switzerland CH-8037

P. U.
5/8/04

Full name of second Inventor:	Peter Bruenker
Signature of second Inventor:	 Date: 5.8.04
Residence:	Hittnau, SWITZERLAND
Citizenship:	Germany
Mailing Address:	Burgwiesenstrasse 3C Hittnau, SWITZERLAND CH-8335

Full name of third Inventor:	Claudia Ferrara
Signature of third Inventor:	 Date: 5/8/04
Residence:	Zürich, SWITZERLAND
Citizenship:	Switzerland
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Appl No. To be Assigned
Docket No. 1975.0180003/TJS

Full name of fourth Inventor:	Tobias Suter	
Signature of fourth Inventor:		Date: 4.8.2004
Residence:	Baden, SWITZERLAND	
Citizenship:	Switzerland	
Mailing Address:	Weite Gasse 13 Baden, SWITZERLAND CH-5400	

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POWER OF ATTORNEY FROM ASSIGNEE

GlycArt Biotechnology AG, a corporation of Switzerland, having a principal place of business at Wagistrasse 18, Schlieren-Zürich, Switzerland CH-8952, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on (1) 5/6/04, (2) 5/6/04, (3) 5 Aug. 04 and (4) 4 Aug. 04 of an invention known as Fusion Constructs and Use of Same to Produce Antibodies With Increased Fc Receptor Binding Affinity and Effector Function (Attorney Docket No. 1975.0180003/TJS), that is disclosed and claimed in a patent application of the same title by the inventors (1) Pablo Umaña, (2) Peter Bruenker, (3) Claudia Ferrara and (4) Tobias Suter (said application filed on January 22, 2004 at the U.S. Patent and Trademark Office, having Application Number 10/761,435).

For the purpose of PAIR, the Customer Number is 26111.

The Assignee hereby appoint the U.S. attorneys associated with CUSTOMER NUMBER 28393 to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbalà, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugaisky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987. The Assignees hereby grant said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

Customer Number 26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: GlycArt Biotechnology AG

SIGNATURE: [Signature]

BY: Pablo Umaña

TITLE: CEO

DATE: August 5, 2004



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STATEMENT UNDER 37 CFR 3.73(b)

1975.0180003/TJS

Applicant/Patent Owner: UMANA et al.

Application No./Patent No.: 10/761,435 Filed/Issue Date: January 22, 2004

Entitled: See 1 in Addendum

GlycArt Biotechnology AG, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ % in the patent application patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 5th 2004

Date

(+41) 1-755-6161

Telephone number

Pablo Umaná Jara Jara-Martí

Typed or printed name

[Signature]

Signature

CSO

Title

CEO

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Addendum

1. **FUSION CONSTRUCTS AND USE OF SAME TO PRODUCE ANTIBODIES WITH INCREASED FC RECEPTOR BINDING AFFINITY AND EFFECTOR FUNCTION & EFFECTOR FUNCTION**

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ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) Pablo Umaña, (2) Peter Bruenker, (3) Claudia Ferrara and (4) Tobias Suter, the undersigned inventors hereby sell and assign to GlycArt Biotechnology AG, a corporation formed under the laws of Switzerland (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

(a) in the invention(s) known as Fusion Constructs and Use of Same to Produce Antibodies With Increased Fc Receptor Binding Affinity and Effector Function for which application(s) for patent in the United States of America has (have) been executed by the undersigned on (1) ~~Jan. 21, 2004~~ Aug. 5, 2004 (2) ~~2/1/04~~ Aug. 5, 2004 (3) ~~2/1/04~~ Aug. 5, 2004 and (4) ~~2/1/04~~ Aug. 5, 2004 (also known as United States Application No. 10/761,435, filed January 22, 2004), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor, and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assigner had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.


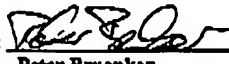
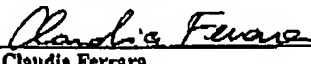
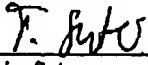
The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Edmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbal, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert B. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugalsky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick B. Garrett, Esq., Registration No. 39,987; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: <u>5.8.04</u>	Signature of Inventor: <u></u> Pablo Umalla
Date: <u>5.8.04</u>	Signature of Inventor: <u></u> Peter Bruenker
Date: <u>5.8.2004</u>	Signature of Inventor: <u></u> Claudia Ferrara
Date: <u>4.8.2004</u>	Signature of Inventor: <u></u> Tobias Suter

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